

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4529 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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NAJUMAI ADALJI ADAJANIA WD/O DECEASE ADALJI RUSTOMJI

Versus

STATE OF GUJARAT

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Appearance:

Ms KJ BRAHMBHATT, for Petitioner

MR VM PANCHOLI, AGP for Respondent No. 1, 2

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 29/07/1999

ORAL JUDGEMENT

Heard Ms KJ Brahmbhatt, learned counsel for the petitioner and Mr V.M. Pancholi, learned AGP for the respondents.

2. The petitioner has challenged the order dated 17.3.1989 passed by the State Government under Section 43 of the Urban Land (Ceiling & Regulation) Act, 1976 declaring 3182.83 sq.mtrs. of land as excess holding in the hands of the petitioner's late husband and directing

the Competent Authority to proceed further in the matter.

3. While admitting the petition on 25.6.1990, this Court had granted ad-interim injunction restraining the respondents from taking further action pursuant to the impugned orders. Consequently, further action could not be taken by the respondent-Competent Authority and the respondent authorities also did not take over possession of the land in question, which fact is not in dispute in view of the written instructions dated 23.6.1999 received by the learned AGP from the Section Officer, Revenue Department, Government of Gujarat.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M.S. Shah, J.)

sundar/-